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9 Attorneys for Defendant and Cross-Plaintiff City
of San Jose, and Defendant Debra Figone, in Her
10 Official Capacity

11 **IN THE SUPERIOR COURT FOR THE**
12 **COUNTY OF SANTA CLARA**

13 SAN JOSE POLICE OFFICERS
ASSOCIATION,

14 Plaintiff,

15 v.

16 CITY OF SAN JOSE, BOARD OF
17 ADMINISTRATION FOR POLICE AND
FIRE RETIREMENT PLAN OF CITY OF
18 SAN JOSE, and DOES 1-10 inclusive.,

19 Defendants.

20 AND RELATED CROSS-COMPLAINT
21 AND CONSOLIDATED ACTIONS

Case No. 1-12-CV-225926

*[Consolidated with Case Nos. 112CV225928,
112CV226570, 112CV226574, 112CV227864,
112CV233660]*

**DEFENDANT CITY OF SAN JOSE'S
SUPPLEMENTAL DISCLOSURE OF
TRIAL WITNESSES AND
SUPPLEMENTAL EXHIBITS**

Complaint Filed: June 6, 2012
Trial Date: July 22, 2013

23 **I. SUPPLEMENTAL DISCLOSURE OF TRIAL WITNESSES**

24 Defendant City of San Jose (the "City") hereby supplements its disclosure of trial
25 witnesses as follows:

26 Marco Mercado or other PMK: these witnesses are only anticipated to authenticate
27 documents and or information contained in one or more demonstrative exhibits in the event there
28 are foundational objections sustained to the exhibits that defendant has identified.

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II. SUPPLEMENTAL DISCLOSURE OF TRIAL EXHIBITS

The City identifies five additional trial exhibits. These are exhibits are:

5110, 5111, 5112, 5432 and 5433.

The descriptions of these exhibits are contained on the attached replacement pages.

DATED: July 15, 2013

MEYERS, NAVE, RIBACK, SILVER & WILSON

By: 

Paula M. Ross
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10 Attorneys for Defendants
City of San Jose and Deb Figone

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF SANTA CLARA

14 SAN JOSÉ POLICE OFFICERS
15 ASSOCIATION,

16 Plaintiff,

17 v.

18 CITY OF SAN JOSÉ, BOARD OF
19 ADMINISTRATION FOR POLICE AND
20 FIRE RETIREMENT PLAN OF CITY OF
SAN JOSÉ, and DOES 1-10 inclusive.,

21 Defendants.

23 AND RELATED CROSS-COMPLAINT
24 AND CONSOLIDATED ACTIONS.

Case No. 1-12-CV-225926

[Consolidated with Case Nos.
1-12-CV-225928, 1-12-CV-226570, 1-12-CV-
226574, 1-12-CV-227864, and
1-12-CV-23360]

**DEFENDANT CITY OF SAN JOSE'S
SECOND AMENDED EXHIBIT LIST**

Trial Date: July 22, 2013

Time: 9:00 am

Dept: 2

Judge: Hon. Patricia M. Lucas

Complaint Filed: June 6, 2012

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Measure B [5000 series]				
Ex. No	Date	Description	ID	EV
5000	February 8, 2012	Full Text of Measure B: Article XV-A Retirement: Public Employee Pension Plan Amendments – To Ensure Fair and Sustainable Retirement Benefits While Preserving Essential City Services. [SJR]N000095 – 000111]		
5001	N/A	Ballot Pamphlet – Measure B. [SJ]001410 – 001412]		

History of Measure B [5100 series]				
Ex. No	Date	Description	ID	EV
5100	November 2008	City of San Jose General Fund Structural Deficit Elimination Plan. [SJ001413 – 001509]		
5101	September 2010	City Auditor's Report, "Pension Sustainability: Rising Pension Costs Threaten the City's Ability to Maintain Service Levels – Alternatives for a Sustainable Future." [GURZA000001 – 000080]		
5102	September 2010	Exhibit presentation to Pension Sustainability: Rising Pension Costs Threaten the City's Ability to Maintain Service Levels – Alternatives for a Sustainable Future. [SJ001510 – 001534]		
5103	April 2011	City of San Jose Report to City Council: "Disability Retirement: A Program in Need of Reform." [SJ001535 – 001576]		
5104	May 2, 2011	Figone memorandum regarding City of San Jose Fiscal Reform Plan. [SJ001577 – 001641]		
5105	March 6, 2012	City of San Jose Resolution No. 76158, "A Resolution of the Council of the City of San Jose Repealing Resolution No. 76087 and Calling and Giving Notice of, on its Own Motion, the Submission to the Electors of the City of San Jose, at a Special Municipal Election to be Held on June 5, 2012, a Ballot Measure Proposal to Amend the San Jose City Charter to Add a New Article XV-A to Reform City Pensions and Benefits Provided to Current Employees and Establish Reduced Pensions and Benefits for New Employees and to Place Other Limitations on Pensions and Benefits." [SJRJN000090 – 000094]		
5106	September 7, 2012	Memorandum from Debra Figone to Mayor and City Council re: Background on Compensation Reductions. [SJ001642 – 001647]		
5107	March 26, 2013	"Stipulation and Order re: Implementation of Measure B in Connection with Trial Set for June 17, 2013." [SJRJN000605-000609]		

History of Measure B [5100 series]				
Ex. No	Date	Description	ID	EV
5108	May 1, 2013	2013-2014 City Manager's Operating Budget Message. [SJ001648 – 001677]		
5109	February 2013	2013-2014 City Manager's Budget Request & 2014-2018 Five-Year Forecast and Revenue Projections. [SJ003276 – 003332]		
5110	February 14, 2011	Video clip from annual Budget Priority Setting Study Session.		
5111	February 9, 2012	Memorandum from Debra Figone to Mayor and City Council regarding Retirement Projections Fact Sheet. [SJ003728-003746]		
5112	March 22, 2012	Memorandum from Debra Figone to Mayor and City Council regarding Retirement Cost Projections. [SJ003747-003750]		

City Charter [5200 series]				
Ex. No	Date	Description	ID	EV
5200	1915	The City of San Jose 1915 City Charter Amendment. [SJ001678 -001722]		
5201	1925	The City of San Jose 1925 City Charter Amendment. [SJ001723 – 001726]		
5202	1946	The City of San Jose 1946 City Charter Amendment. [SJ001727 – 001741]		
5203	April 12, 1960	Ballot pamphlet for Charter Amendment – Proposition A, including “Argument in Favor of Proposition A.” [SJRJN000384 – 000386]		
5204	1961	The City of San Jose 1961 City Charter Amendment. [SJ001742 – 001746]		
5205	January 24, 1961	California Assembly Concurrent Resolution No. 17. [SJRJN000376 – 000383]		
5206	May 26, 1964	The City of San Jose Charter Committee meeting minutes. [SJRJN000495-000496]		
5207	September 1, 1964	Letter from Manager Edward Grossheider to the Chairman of the Charter Revision Committee re: revision of wording pertaining to Section 1601 of the City Charter. [SJRJN000497]		
5208	September 1, 1964	The City of San Jose Charter Committee meeting minutes. [SJRJN000498-000499]		
5209	October 13, 1964	The City of San Jose Charter Committee meeting minutes. [SJRJN000500-000501]		
5210	October 13, 1964	Memorandum of Fire and Police Retirement Plan presented by District Chief Leonard Marks of San Jose Fire Department. [SJRJN000502]		
5211	October 20, 1964	The City of San Jose Charter Committee meeting minutes. [SJRJN000503-000504]		

City Charter [5200 series]				
Ex. No	Date	Description	ID	EV
5212	October 27, 1964	Letter from Manager Edward A. Grosshneider to George Starbird, Chairman of the San Jose City Charter Committee re: recommendations for final draft of new proposed charter. [SJR]N000505-000506]		
5213	December 4, 1964	Letter from Retirement Committee of the Municipal Employees Federation to Charter Revision Committee re: "Inclusions of basic retirement benefits now in existence for the Federated City Employee Retirement System." [SJR]N000507]		
5214	December 8, 1964	The City of San Jose Charter Committee meeting minutes. [SJR]N000508-000509]		
5215	May 4, 1965	California Assembly Concurrent Resolution No. 104, approving Charter of the City of San Jose, and 1965 City Charter. [SJR]N000387 – 000450]		
5216	November 2012	San Jose City Charter: In effect May 1965, As Amended through November 2012. [SJR]N000001 – 000089]		
5217	November 10, 1964	The City of San Jose Charter Committee meeting minutes. [SJ]003273 – 003275]		

Municipal Code [5300 series]				
Ex. No	Date	Description	ID	EV
5300	December 12, 2012	City of San Jose Ordinance No. 29174, "An Ordinance of the City of San Jose Amending Various Sections of Chapter 3.28 of Title 3 of the San Jose Municipal Code to Clarify the City Charter Supersedes the Federated City Employees Retirement Plan in Event of Conflict, Clarify the Definition of Tier 2 Member, Discontinue the Supplemental Retiree Benefit Reserve, Clarify Actuarial Soundness is Determined Consistent with the California Constitution, and Make Additional Requirements for Mandatory Medicare Enrollment, to be effective January 4, 2013. [GURZA000748 – 000761]		
5301	January 29, 2013	City of San Jose Ordinance No. 29198, "An Ordinance of the City of San Jose Amending Various Sections of Chapters 3.32 and 3.36 of Title 3 of the San Jose Municipal Code to Clarify the City Charter Supersedes the City of San Jose Police and Fire Retirement Plan in Event of Conflict, Discontinue the Supplemental Retiree Benefit Reserve, and Clarify Actuarial Soundness is Determined Consistent with the California Constitution, to be Effective March 1, 2013." [SJR]N000595-000604]		
5302	Undated	San Jose Municipal Code, Chapter 3.28, "1975 Federated Employees Retirement Plan Sections 3.28.010 to 3.28.2770 [Current to June 30, 2012]. [SJR]N000112 – 000230]		
5303	Undated	San Jose Municipal Code, Chapter 3.36 "1961 Police and Fire Department Retirement Plan," Sections 3.36.010 to 3.36.3760 [Current to June 30, 2012]. [SJR]N000231 – 000375]		

Pension Contribution Rate Documents [5400 series]				
Ex. No	Date	Description	ID	EV
5400	May 12, 1971	Memorandum from City Manager Thomas Fletcher to City Council re: "Definition of Prior Service – Police and Fire Retirement Plan." [SJR]N000510-000511]		
5401	July 12, 1971	City of San Jose Resolution No. 40059, "A Resolution of the Council of the City of San Jose Requesting Board of Administration for Police and Fire Retirement Plan to Adjust Rates of Contribution for City and for Fire Department Members and Police Department Members of Police and Fire Department Retirement Plans." [SJR]N000512-000514]		
5402	August 16, 1978	Letter from Actuary E. Allen Arnold, and Associate Actuary Christine Nelson to Retirement and Benefits Administrator Edward Overton re: Police & Fire Contribution Rates. [SJR]N000519-000525]		
5403	June 30, 1979	Lawrence Mitchell & Associates, Inc. Consulting Actuaries' Actuarial Investigation and Valuation for the City of San Jose Police and Fire Department Retirement Plans. [SJR]N000526-000566]		
5404	July 3, 1979	City of San Jose Ordinance No. 19690, "An Ordinance of the City of San Jose Amending Topic 9 of Part 3A of Chapter 9 of Article II of the San Jose Municipal Code by Amending Section 2903.279 and Section 2903.280 to provide for increasing City's contribution for services rendered by members or persons prior to increase in the contribution rates." [SJR]N000515-000518]		
5405	N/A	Withdrawn.		
5406	June 16, 2009	City of San Jose Resolution No. 74988, "A Resolution of the Council of the City of San Jose Approving Implementation of the Terms Contained in the City's Last, Best, and Final Offer to the Operating Engineers, Local No. 3, effective June 28, 2009." [GUR]ZA000696]		

Pension Contribution Rate Documents [5400 series]				
Ex. No	Date	Description	ID	EV
5407	April 30, 2010	Letter from Randy Sekany to Mayor and City Council Members re: budget proposal submitted to Employee Relations. [SJ001747 – 001748]		
5408	April 30, 2010	Letter from Randy Sekany to Alex Gurza re: budget proposal. [SJ001749 – 001750]		
5409	May 14, 2010	IBEW Union Proposal to City to pay increased employee contribution rate. [GURZA000086-000087]		
5410	May 17, 2010	OE#3 Union Proposals to City to pay increased employee contribution rate. [GURZA000082-000085]		
5411	May 17, 2010	SJ POA Union Proposals to City to pay increased employee contribution rate. [GURZA000088-000090]		
5412	May 17, 2010	OE#3 Proposal to the City of San Jose. [SJ001751]		
5413	May 25, 2010	Draft of Local 230 Settlement Proposal. [SJ001752 – 001753]		
5414	June 9, 2010	IAFF letter and proposal to City to pay increased employee contribution rate. [GURZA000091-000093]		
5415	June 11, 2010	OE3's Last Best and Final Offer to City of San Jose. [SJ001754]		
5416	June 11, 2010	Letter from William Pope to Gina Donnelly re: Last, Best and Final Offer. [SJ001755]		
5417	June 15, 2010	Association of Legal Professionals (ALP) – Resolution No. 75419 approving and terms of Agreement (7/1/10 – 6/30/11). [GURZA000205 – 000217]		
5418	June 15, 2010	City of San Jose Ordinance No. 28752, "An Ordinance of the City of San Jose Amending Chapters 3.28 and 3.44 of Title 3 of the San Jose Municipal Code to Add New Sections 3.28.755, 3.28.955, and 3.44.105 and Amend Sections 3.28.770 and 3.28.780 to Implement Revisions in		

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Pension Contribution Rate Documents [5400 series]				
Ex. No	Date	Description	ID	EV
		Employee and Employer Retirement Contributions for the Federated City Employees Retirement System." [HAR 191-196]		
5419	June 17, 2010	City Council Agenda attaching transcript of Christopher Platten's comments to City Council. [GURZA000096 – 000097]		
5420	June 17, 2010	Coalition of Unions agreement to make additional pension contributions. [GURZA000094-000095]		
5421	June 18, 2010	Coalition of Union Proposal offered to City. [GURZA000081]		
5422	June 21, 2010	Letter from Sekany to Gurza re: IAFF Local 230 and City of San Jose (2009 MOU Negotiations). [SJ001756 – 001758]		
5423	July 1, 2010	Letter from Sekany to Gurza re: San Jose Fire Fighters Local 230 Contract Proposal of June 21, 2010. [SJ001759 – 001761]		
5424	July 15, 2010	San Jose Firefighter Settlement Proposal. [SJ001762 – 001764]		
5425	January 18, 2011	Memorandum from Jeff Welsh regarding San Jose Firefighters, IAFF Local Settlement Proposal. [SJ001765 – 001769]		
5426	February 1, 2011	Memorandum from Jeff Welsh regarding San Jose Firefighters, IAFF Local Settlement Proposal. [SJ001770 – 001775]		
5427	March 3, 2011	City of San Jose and San Jose Firefighters, Local 230 Tentative Agreement for the term of July 1, 2009 thru June 30, 2013. [SJ001776 – 001811]		
5428	March 7, 2011	Email from union representative Nancy Ostrowski (IPFTE Local 21). [GURZA000613]		
5429	Undated	Chart of Firefighters Association Proposals re: contribution rates. [SJ001812 – 001818]		
5430	Undated	San Jose Firefighters, IAFF Local 230 Settlement Proposal –Last Best Final for the term of July 1,		

Pension Contribution Rate Documents [5400 series]				
Ex. No	Date	Description	ID	EV
		2009 thru June 30, 2013. [SJ001819 – 001823]		
5431		Withdrawn		
5432	May 16, 2013	2013 POA Negotiations – City Package Proposal for Settlement. [SJ003751-003756]		
5433	June 20, 2013	2013 OE#3 Negotiations City Package Proposal C*. [SJ003757-003764]		

Resolutions approving Agreements [5450 series]				
Ex. No	Date	Description	ID	EV
5450	April 27, 2010	Association of Building, Mechanical and Electrical Inspectors (ABMEI) – Resolution No. 75362 approving and terms of Last, Best and Final Offer, effective June 27, 2010. [GURZA000098-000120]		
5451	May 31, 2011	ABMEI – Resolution No. 75810 approving and terms of MOA (7/1/11-6/30/13). [GURZA000121-000144]		
5452	June 22, 2010	Association of Engineers and Architects (AEA) – Resolution No. 75451 approving and terms of MOA (7/1/10-6/30/11). [GURZA000145-000174]		
5453	April 19, 2011	AEA – Resolution No. 75777 approving and terms of MOA (7/1/11-6/30/13). [GURZA000175-000204]		
5454	June 15, 2010	Association of Legal Professionals (ALP) – Resolution No. 75419 approving and terms of Agreement (7/1/10 – 6/30/11). [GURZA000205 – 000217]		
5455	May 31, 2011	ALP – Resolution No. 75813 approving and terms of Agreement (7/1/11 – 6/30/12). [GURZA000218 – 000228]		
5456	June 22, 2010	Association of Maintenance Supervisory Personnel (AMSP) – Resolution No. 75452 approving and terms of Agreement (7/1/10 – 6/30/11). [GURZA000229 – 000234]		
5457	April 19, 2011	AMSP – Resolution No. 75778 approving and terms of Agreement (7/1/11 – 6/30/13). [GURZA000235 – 000259]		
5458	June 22, 2010	City Association of Management Personnel (CAMP) – Resolution No. 75449 approving and terms of Agreement (7/1/10 – 6/30/11). [GURZA000260 – 000265]		

Resolutions approving Agreements [5450 series]				
Ex. No	Date	Description	ID	EV
5459	April 19, 2011	CAMP – Resolution No. 75779 approving and terms of Agreement. (7/1/11 – 6/30/13). [GURZA000266 – 000290]		
5460	October 21, 2008	Confidential Employees' Organization (CEO), AFSCME 101 – Resolution No. 74635 approving and terms of MOA (9/21/08 – 9/17/11). [GURZA000291 – 000305]		
5461	May 31, 2011	CEO – Resolution No. 75815 approving and terms of Last, Best and Final Offer (9/18/11 – 9/15/12). [GURZA000306 – 000328]		
5462	March 22, 2011	International Association of Firefighters (IAFF) – Resolution No. 75762 approving and terms of Agreement (7/1/09 – 6/30/13). [GURZA000329 – 000371]		
5463	March 22, 2011	IAFF – Resolution No. 75762 approving and terms of Agreement (7/1/09- 6/30/13). [GURZA000372 – 000414]		
5464	March 22, 2010	International Brotherhood of Electrical Workers, Local 332 (IBEW) – Resolution No. 75450 approving and terms of Agreement (7/1/10 – 6/30/11). [GURZA000415 – 000425]		
5465	May 31, 2011	IBEW – Resolution No. 75811 approving and terms of Last, Best and Final Offer (7/1/11 – 6/30/12). [GURZA000426 – 000448]		
5466	June 22, 2010	Operating Engineers, Local No. 3 (OE#3) – Resolution No. 75453 approving and terms of Agreement (7/1/10 – 6/30/11). [GURZA000449 – 000461]		
5467	May 31, 2011	OE#3 – Resolution No. 75812 approving and terms of Last, Best and Final Offer (7/1/11 – 6/30/12). [GURZA000462 – 000484]		
5468	August 5, 2008	Municipal Employees' Federation (MEF), AFSCME Local 101 – Resolution No. 74525 approving and terms of MOA (7/1/08 – 6/30/11). [GURZA000485 – 000503]		

1	5469	May 31, 2011	MEF – Resolution No. 75814 approving and terms of Last, Best and Final Offer (7/1/11 – 6/30/12). [GURZA000504 – 000527]		
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3	5470	August 3, 2010	San Jose Police Officers' Association (SJPOA) – Resolution No. 75507 approving and terms of MOA (7/1/10 – 6/30/11). [GURZA000528 – 000561]		
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6	5471	June 14, 2011	SJPOA – Resolution No. 75846 approving and terms of Agreement (7/1/11 – 6/30/12). [GURZA000562 – 000590]		
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8	5472	January 10, 2012	SJPOA – Resolution No. 76118 approving and terms of Agreement (7/1/11 – 6/30/13). [GURZA000591 – 000596]		
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10	5473	April 27, 2010	Executive Management and Professional Employees (Unit 99) and Other Unclassified Non-Management Employees (Units 81 and 82) – Resolution No. 75363 approving Resolution for 4.75% salary reduction, effective June 27, 2010. [GURZA000597 – 000602]		
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14	5474	June 17, 2010	Executive Management and Professional Employees (Unit 99) and Other Unclassified Non-Management Employees (Units 81 and 82) – Resolution No. 75436 approving Resolution for 5.4% salary reduction, effective June 27, 2010. [GURZA000603 – 000607]		
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18	5475	April 19, 2011	Executive Management and Professional Employees (Unit 99) and Other Unclassified Non-Management Employees (Units 81 and 82) – Resolution No. 75780 approving Agreement for 4.75% and 5.4% salary reductions. [GURZA000608 – 000612]		
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Retiree Healthcare [5500 series]				
Ex. No	Date	Description	ID	EV
5500	February 24, 1988	Memorandum from Federated Board of Administration to Mayor and City Council regarding Federated Retirement Benefit Increases. [SJR]N000457 – 000460]		
5501	January 12, 2007	Letter from Paul Angelo and Andy Yeung to Edward Overton regarding City of San Jose Police and Fire Department Medical and Dental Insurance Plan GASB Statements No. 43 and No. 45 Results Using Requested Assumptions. [GURZA000637 – 000645]		
5502	July 2007	Report from Bartel and Associates, LLC regarding City of San Jose Retiree Healthcare Plan, June 30, 2007 – Actuarial Valuation Federated City Employees. [GURZA000629 – 000636]		
5503	July 24, 2007	Memorandum from Alex Gurza, Mark Danaj, and Scott Johnson to Honorable Mayor and City Council regarding Retiree Healthcare. [GURZA000614 – 000628]		
5504	February 24, 2009	Resolution No. 74803 approving and terms of Agreement between City and SJPOA re: Retiree Healthcare Funding. [GURZA000673 – 000686]		
5505	April 7, 2009	Memorandum from Alex Gurza to Honorable Mayor and City Council regarding Retiree Healthcare Funding. [GURZA000646 – 000670]		
5506	April 21, 2009	City of San Jose Resolution No. 74882, “A Resolution of the Council of the City of San Jose Approving Agreements between the City of San Jose and Several Bargaining Units regarding Retiree Healthcare Funding, and Implementing Retiree Healthcare Funding for Units 99 and 82.” [GURZA000671 – 000672]		
5507	June 1, 2009	Last, Best and Final Offer from City to OE#3. [GURZA000687 – 000000695]		
5508	June 11,	Memorandum from Alex Gurza to Mayor and City Council re: Implementation of Changes to		

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Retiree Healthcare [5500 series]				
Ex. No	Date	Description	ID	EV
	2013	Retiree Healthcare and Four-Tier Insurance Premium Rates for the Bargaining Units Representing Employees in the Federated City Employees' Retirement System and Modifications for Employees in Unit 99. [SJ001824 – 001876]		
5509	N/A	Withdrawn, see Ex. 5508.		

Low Cost Plan Documents [5600 series]				
Ex. No	Date	Description	ID	EV
5600	April 17, 2012	Memorandum from Debra Figone to Mayor and City Council re: Adoption of a resolution approving benefit changes for executive management and professional employee. [SJ001877 – 001889]		
5601	April 27, 2012	Memorandum from Debra Figone to Mayor and City Council re: Supplemental Information for Items 3.3 – 3.12. [SJ001890 – 00SJ001893]		
5602	June 12, 2012	City of San Jose Minutes of the City Council. [SJ001894 – 001923]		
5603	Undated	City of San Jose Summary of Benefit Plan Changes effective January 1, 2013. [SJ001924 – 001928]		
5604	N/A	Health Insurance Premium Schedules. [SJ003333 – 003335]		
5605	N/A	Health Insurance Plan Descriptions. [SJ003336 – 003346]		

SRBR Documents [5700 series]				
Ex. No	Date	Description	ID	EV
5700	November 22, 1985	Letter from Coates Herfurth & England, Inc. to Retirement and Benefits Administrator regarding SB650 Study. [SJR]N000489 – 000492]		
5701	April 25, 1986	Memorandum from Federated Retirement Board to Honorable Mayor and City Council regarding Supplemental Retiree Benefits Reserve. [SJR]N000493 – 000494]		
5702	May 6, 1986	Memorandum from Fran Galloni to Honorable Mayor and City Council regarding Retirement Benefit Increase. [SJR]N000451 – 000452]		
5703	February 24, 1988	Memorandum from Frances Galloni to Mayor and City Council regarding Administration's Report on Federated Retirement Benefit Increases. [SJR]N000455 – 000456]		
5704	March 21, 1988	Memorandum from Joan Gallo to Mayor and City Council regarding Benefit Increases – Federated Retirement System and possible elimination of SRBR. [SJR]N000453 – 000454]		
5705	January 29, 2002	City of San Jose Resolution No. 70822, "A Resolution of the Council of the City of San Jose Approving the Methodology for the Distribution of Moneys in the Supplemental Retiree Benefit Reserve of the Police and Fire Department Retirement Fund." [SJR]N000484 – 000488]		
5706	December 16, 2003	City of San Jose Resolution No. 71870, "A Resolution of the Council of the City of San Jose Approving the Methodology for the Distribution of Moneys in the Supplemental Retiree Benefit Reserve of the Federated City Employees Retirement Fund." [SJ]001929 – 001936]		
5707	October 22, 2010	Memorandum from Debra Figone to Honorable Mayor and City Council regarding Suspension of SRBR Payments. [GURZA000697 – 000722]		
5708	November	City of San Jose Resolution No. 75635, "A Resolution of the Council of the City of San		

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SRBR Documents [5700 series]				
Ex. No	Date	Description	ID	EV
	16, 2010	Jose Amending and Restating the Supplemental Retiree Benefit Reserve of the Federated City Employees Retirement Fund, to Suspend the Distribution of Funds from the Reserve During Fiscal Year 2010-2011. [SJR]N000461 – 000471]		
5709	May 13, 2011	Memorandum from Figone to Honorable Mayor and City Council regarding Continued Suspension of SRBR Payments. [GURZA000723 – 000727]		
5710	August 23, 2011	Tentative Agreement with AMBEI regarding Supplemental Retiree Benefit Reserve (SRBR). [GURZA000743]		
5711	August 23, 2011	Tentative Agreement with IBEW regarding Supplemental Retiree Benefit Reserve (SRBR). [GURZA000744]		
5712	August 23, 2011	Tentative Agreement with OE#3 regarding Supplemental Retiree Benefit Reserve (SRBR). [GURZA000745]		
5713	August 23, 2011	Tentative Agreement with CEO regarding Supplemental Retiree Benefit Reserve (SRBR). [GURZA000746]		
5714	August 23, 2011	Tentative Agreement with MEF regarding Supplemental Retiree Benefit Reserve (SRBR). [GURZA000747]		
5715	January 13, 2012	Letter from William Hallmark and Anne Harper to Russell Crosby regarding Federated Employees Retirement Plan – Supplemental Retiree Benefit Reserve as of June 30, 2011. [GURZA000734 – 000738]		
5716	March 29, 2012	Letter from Hallmark and Joshua Davis to Russell Cnsby regarding City of San Jose Police and Fire Department Retirement Plan – Supplemental Retiree Benefit Reserve as of June 30, 2011. [GURZA000739 – 000742]		
5717	April 9, 2012	Memorandum from Figone to Honorable Mayor and City Council regarding Suspension nf SRBR		

SRBR Documents [5700 series]				
Ex. No	Date	Description	ID	EV
		Payments. [GURZA000728 – 000733]		
5718	April 24, 2012	City of San Jose Resolution No. 76204, “A Resolution of the Council of the City of San Jose Amending and Restating Resolution No. 75635 Regarding the Supplemental Retiree Benefit Reserve of the Federated City Employees Retirement Fund, to Suspend the Distribution of Funds From the Reserve Through Fiscal Year 2012 – 2013. [SJRJN000472 – 000483]		
5719	June 26, 1986	Memorandum from Edward Overton to Members of the Federated Employees Retirement System regarding New Retirement Benefits and Lower Contribution Rates. [SJ002168]		

Disability Retirement Documents [5800 series]				
Ex. No	Date	Description	ID	EV
5800	N/A	Return to Work Policy. [SJ003347 – 003349]		
5801	N/A	Long Term Disability Insurance Plan Documents. [SJ003479 – 003492]		
5802	N/A	Long Term Disability Proposal. [SJ003350 – 003352]		
5803	N/A	Excerpts from Employee Benefits Handbook. [SJ003493 – 003500]		

Actuarial Documents [5900 series]				
Ex. No	Date	Description	ID	EV
5900	February 8, 2012	Letter from Gene Kalwarski and Margaret Tempkin to Russell Crosby regarding 5 – year Budget Projections for Federated. [GURZA000770 – 000772]		
5901	February 21, 2012	Letter from Kalwarski and Tempkin to Crosby regarding 5-year Budget Projections for Police & Fire. [GURZA000773 - 000778]		
5902	December 2012	Cheiron's Actuarial Valuation regarding Federated City Employees' Retirement System, June 30, 2012 to December 2012. [GURZA000779 – 000837]		
5903	December 2012	Cheiron's Actuarial Valuation regarding City of San Jose Police and Fire Department Retirement Plan, June 30, 2012 to December 2012. [GURZA000838 – 000890]		
5904	January 9, 2013	Cheiron letter to City of San Jose Board of Administration re: 5-year Budget Projections for Federated. [SJ001937 – 001939]		
5905	January 17, 2013	Cheiron's OPEB Actuarial Valuation Results regarding San Jose Federated City Employees' Retirement System, June 30, 2012. [GURZA000891 – 000905]		
5906	January 30, 2013	Cheiron letter to City of San Jose Board of Administration re: 5-year Budget Projections for Police & Fire. [SJ001940 – 001945]		
5907	February 7, 2013	Cheiron's OPEB Actuarial Valuation Results regarding City of San Jose Police and Fire Department Retirement System, June 30, 2012. [GURZA000906 – 000924]		
5908	June 30, 2012	City of San Jose Federated City Employees' Retirement System Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2012. [SJ003353 – 003478]		
5909	June 30, 2012	City of San Jose Police and Fire Department Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2012.		

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Actuarial Documents [5900 series]				
Ex. No	Date	Description	ID	EV
		[S]003501 – 003632]		

Demonstrative Exhibits [6000 Series]				
Ex. No	Date	Description	ID	EV
6000	N/A	Chart Depicting Service Retirement Benefit (Police and Fire).		
6001	N/A	Chart Depicting Service Retirements (Police and Fire Plan) – Plaintiffs and witnesses.		
6002	N/A	Ten Highest Annual Pensions – Police and Fire Plan.		
6003	N/A	Withdrawn.		
6004	N/A	Chart Depicting Service Retirement Benefit (Federated Plan).		
6005	N/A	Chart Depicting Examples of Service Retirements (Federated Plan) – Plaintiffs and witnesses.		
6006	N/A	Ten Highest Annual Pensions – Federated Members.		
6007	N/A	Withdrawn.		
6008	N/A	Retirement Cost Increases: FY 2001-2002 to FY 2011-2012.		
6009	N/A	10 Years of Budget Deficits – How Did We Get Here?		
6010	N/A	Contribution Rates (based on June 30, 2012 Valuation) – Police and Fire: 2003-2014.		
6011	N/A	Contribution Rates – Federated Plan: 2003-2014.		
6012	N/A	Retirement Contribution Rates (Police and Fire) – 2011 and 2012 Valuations.		
6013	N/A	Retirement Contribution Rates (Federated) – 2011 and 2012 Valuations.		
6014	N/A	Withdrawn.		

Demonstrative Exhibits [6000 Series]				
Ex. No	Date	Description	ID	EV
6015	N/A	Withdrawn.		
6016	N/A	\$670 Million in Cumulative General Fund Shortfalls Balanced through 2012-2013.		
6017	N/A	Withdrawn		
6018	N/A	Average Total Compensation – All Sworn Police Employees.		
6019	N/A	Total Compensation – Fire Employees (Plaintiffs)		
6020	N/A	Total Compensation – Miscellaneous Employees (Plaintiffs and Designated witnesses).		
6021	N/A	Police Department: Budget and Staffing – FY 2001-02 to FY 2011-2012.		
6022	N/A	Withdrawn.		
6023	N/A	Compensation Concessions (FY 2010-11; 2011-12; 2012-13).		
6024	N/A	Withdrawn.		
6025	N/A	Withdrawn.		
6026	N/A	\$20 Million in Savings Subject to Litigation.		
6027	N/A	Chronology of Charter Progression (Contributions).		
6028	N/A	Chronology of Charter Progression (Reservation of Rights).		
6029	N/A	Unfunded Liabilities – Federated.		
6030	N/A	Unfunded Liabilities – Police and Fire.		
6031	N/A	MOU Excerpts (Contributions to Pension – Police and AEA – 2010 – 2011).		

Demonstrative Exhibits [6000 Series]				
Ex. No	Date	Description	ID	EV
6032	N/A	MOU Excerpts (Contributions to Retiree Health – Police and AEA – 2010 – 2011).		
6033	N/A	Disability Flow Chart.		
6034	N/A	Withdrawn.		
6035	N/A	Benefit Payments Grew Seven Fold Over 20 Years.		
6036	N/A	Pension Benefit Payments Have Exceeded Contributions Since 2001.		
6037	N/A	Funded Ratios Have Fallen.		
6038	N/A	The City's Contribution Rates for Pension and Retiree Healthcare are Projected to Rise Dramatically.		
6039	N/A	Retroactive Pension Benefit Enhancements Added to the Unfunded Liability.		
6040	N/A	Withdrawn.		
6041	N/A	Withdrawn.		
6042	N/A	Withdrawn.		
6043	N/A	Withdrawn.		
6044	N/A	Withdrawn.		
6045	N/A	Withdrawn.		
6046	N/A	Withdrawn.		
6047	N/A	Withdrawn.		
6048	N/A	Withdrawn.		
6049	N/A	Retirement Benefits/Measure B impact [John Mukhar].		

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Demonstrative Exhibits [6000 Series]				
Ex. No	Date	Description	ID	EV
6050	N/A	Withdrawn.		
6051	N/A	Withdrawn.		
6052	N/A	Withdrawn.		
6053	N/A	Withdrawn.		
6054	N/A	Withdrawn.		
6055	N/A	Retirement Benefits/Measure B Impact [Robert Sapient].		
6056	N/A	Withdrawn.		
6057	N/A	Withdrawn.		
6058	N/A	Withdrawn.		
6059	N/A	SRBR – Unforeseen Consequences.		
6060	N/A	Service vs. Disability Retirement Chart.		
6061	N/A	Pay Cut vs. Retirement Contribution.		
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Demonstrative Exhibits [6000 Series]				
Ex. No	Date	Description	ID	EV
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Other California City Charters [6100 series]				
Ex. No	Date	Description	ID	EV
6100	N/A	San Diego City Charter. [SJ003633 – 003645]		
6101	N/A	1996 San Francisco City Charter Preamble. [SJ003646 – 003648]		
6102	N/A	Proposition C, City Pension and Health Care Benefits. [SJ003649 – 003727]		

DATED: July 15, 2013

MEYERS, NAVE, RIBACK, SILVER & WILSON

By: 

Arthur A. Harringer

Attorneys for Defendant and Cross-Plaintiff City of San Jose and Debra Figone, in Her Official Capacity

2100555.1

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF ALAMEDA**

3 At the time of service, I was over 18 years of age and **not a party to this action**. I am
4 employed in the County of Alameda, State of California. My business address is 555 12th Street,
Suite 1500, Oakland, CA 94607.

5 On July 15, 2013, I served true copies of the following documents described as
6 **DEFENDANT CITY OF SAN JOSE'S SUPPLEMENTAL DISCLOSURE OF TRIAL**
7 **WITNESSES AND SUPPLEMENTAL EXHIBITS and DEFENDANT CITY OF SAN**
8 **JOSE'S SECOND AMENDED EXHIBIT LIST** on the interested parties in this action as
follows:

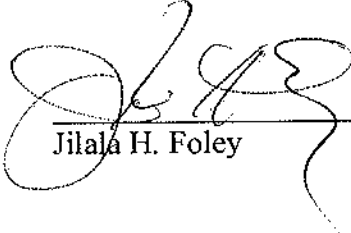
9 **SEE ATTACHED SERVICE LIST**

10 **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the
11 persons at the addresses listed in the Service List and placed the envelope for collection and
12 mailing, following our ordinary business practices. I am readily familiar with Meyers, Nave,
13 Riback, Silver & Wilson's practice for collecting and processing correspondence for mailing. On
the same day that the correspondence is placed for collection and mailing, it is deposited in the
ordinary course of business with the United States Postal Service, in a sealed envelope with
postage fully prepaid.

14 **BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the
15 document(s) to be sent from e-mail address jfoley@meyersnave.com to the persons at the e-mail
addresses listed in the Service List. I did not receive, within a reasonable time after the
transmission, any electronic message or other indication that the transmission was unsuccessful.

16 I declare under penalty of perjury under the laws of the State of California that the
17 foregoing is true and correct.

18 Executed on July 15, 2013, at Oakland, California.

19 
20 Jilala H. Foley
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SERVICE LIST

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AND

Necessary Party in Interest, THE BOARD OF
ADMINISTRATION FOR THE 1961 SAN JOSE
POLICE AND FIRE DEPARTMENT RETIREMENT
PLAN
(Santa Clara Superior Court Case No. 112CV225928)

AND

Necessary Party in Interest, THE BOARD OF
ADMINISTRATION FOR THE 1975 FEDERATED
CITY EMPLOYEES' RETIREMENT PLAN
(Santa Clara Superior Court Case Nos. 112CV226570
and 112CV226574)

AND

Necessary Party in Interest, THE BOARD OF
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SJPOA MASTER EMAIL LIST

Case No. 1-12-CV-225926

Consolidated with Case Nos. 1-12-CV-225928, 1-12-CV-226570, 1-12-CV-226574, 1-12-CV-227864 and 1-12-CV-23360

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